

MESSAGE NO:	0159304	MESSAGE DATE:	06/08/2010
MESSAGE STATUS:	Active	CATEGORY:	Antidumping
TYPE:	ORD-Order	PUBLIC	<input checked="" type="checkbox"/>
		NON-PUBLIC	<input type="checkbox"/>
SUB-TYPE:	AMD-Amend		
FR CITE:	75 FR 31422	FR CITE DATE:	06/03/2010
REFERENCE MESSAGE # (s):	8330207		
CASE #(s):	A-570-912		
EFFECTIVE DATE:	05/24/2010	COURT CASE #:	08-00256
PERIOD OF REVIEW:	10/01/2006	TO	03/31/2007
PERIOD COVERED:		TO	

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: CERTAIN NEW PNEUMATIC OFF-THE-ROAD TIRES FROM THE PEOPLE'S  
REPUBLIC OF CHINA: NOTICE OF COURT DECISION 08-00256, SLIP OP 10-55; NEW  
LIQUIDATION SUSPENSION DATE

1. ON MAY 14, 2010, IN BRIDGESTONE AMERICAS, INC. V. UNITED STATES, NO. 08-00256, SLIP OP. 10-55 (CIT MAY 14, 2010) (BRIDGESTONE), THE UNITED STATES COURT OF INTERNATIONAL TRADE (CIT) AFFIRMED THE DEPARTMENT OF COMMERCE'S ("DEPARTMENT") REMAND REDETERMINATION REGARDING TREATMENT OF XUZHOU XUGONG TYRES CO., LTD.'S (XUGONG) RAW MATERIAL INPUTS.

IN ACCORDANCE WITH THE DECISION OF THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT (CAFC) IN TIMKEN CO. V. UNITED STATES, 893 F.2D 337, 341 (FED. CIR. 1990) (TIMKEN), THE DEPARTMENT WILL ORDER THE SUSPENSION OF LIQUIDATION OF CERTAIN NEW PNEUMATIC OFF-THE-ROAD TIRES (OTR TIRES) WITH RESPECT TO XUGONG.

IN TIMKEN, THE CAFC HELD THAT, PURSUANT TO SECTION 516A(C)(1) OF THE TARIFF ACT OF 1930, AS AMENDED (THE ACT), THE DEPARTMENT MUST PUBLISH NOTICE OF A COURT DECISION THAT IS NOT IN HARMONY WITH THE DEPARTMENT'S FINAL DETERMINATION. THE CIT'S MAY 14, 2010, OPINION CONSTITUTES A DECISION NOT IN HARMONY WITH THE DEPARTMENT'S ORIGINAL FINAL DETERMINATION. ON JUNE 3, 2010, THE DEPARTMENT PUBLISHED A TIMKEN NOTICE ADDRESSING THE CIT'S AFFIRMATION OF THE REVISED FINAL DETERMINATION (74 FR 6570). THE DEPARTMENT IS SUSPENDING LIQUIDATION PENDING THE EXPIRATION OF THE PERIOD TO APPEAL OR PENDING A FINAL DECISION OF THE CAFC, IF BRIDGESTONE IS APPEALED.

2. THEREFORE, FIELD OFFICERS SHOULD BEGIN SUSPENSION OF LIQUIDATION FOR ANTIDUMPING DUTY PURPOSES OF ANY ENTRIES OF OTR TIRES FROM THE PRC, ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION, ON OR AFTER MAY 24, 2010 FOR THE FOLLOWING PRODUCER AND EXPORTER COMBINATION:  
PRODUCER: XUZHOU XUGONG TYRES CO., LTD.  
EXPORTER: XUZHOU XUGONG TYRES CO., LTD.

CASE NUMBER: A-570-912-005

3. THE PRODUCTS COVERED BY THIS INVESTIGATION ARE PROVIDED UNDER MESSAGE 8330207, DATED 11/25/2008.

4. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O8:LA).

5. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party

Case #	Rate	Party Indicator*	Party ID	Party Name
A-570-912-005		E		XUZHOU XUGONG TYRES CO LTD
A-570-912-005		M		XUZHOU XUGONG TYRES CO LTD